



Ordinance 22 - ____

An Ordinance Amending Chapter 6, Alcoholic Beverages, of the City of Elk River, Minnesota, City Code

The City Council of the City of Elk River does hereby ordain as follows:

SECTION 1. That § 6-1, **Definitions**, of the City of Elk River Code of Ordinances shall be amended by replacing the definitions of “Beer” and “Malt Liquor” with the following new definitions:

Beer means any beverage meeting the definition of malt liquor.

Malt Liquor means any beverage made from malt by fermentation, or by the fermentation of malt substitutes, including rice, grain of any kind, glucose, sugar, molasses, or other malt substitute that has not undergone distillation, and what contains not less than one-half of one percent alcohol by volume.

SECTION 2. That § 6-52(5), **Temporary Licenses**, of the City of Elk River Code of Ordinances is amended to replace the following language:

“License restrictions.

(a) The City may not issue more than three 4-day, four 3-day, six 2-day or twelve 1-day temporary licenses in any combination not to exceed twelve days per year for the sale of alcoholic beverages to any one organization or for any one location, within a 12-month period.

(b) The City may not issue more than one temporary license for the sale of alcoholic beverages to any one organization or for one location within any 30-day period unless the licenses are issued in connection with an event officially designated a community festival by the City.”

With new Subsection 6-52(5)(d), as follows:

(d) A city may not issue more than three 4-day, four 3-day, six 2-day, or twelve 1-day temporary licenses in any combination not to exceed twelve days per year for the sale of alcoholic beverages to any one organization or registered political committee, for any one location, within a 12-month period.

SECTION 3. That § **6-52(5), Temporary Licenses** , of the City of Elk River Code of Ordinances is amended to **add new subsection (e)** as follows:

(e) The City may issue one 7-day temporary license per year to the Sherburne County Agricultural Society for alcoholic beverage sales at the Sherburne County Fair.

SECTION 4. That § **6-52(5), Temporary Licenses**, of the City of Elk River Code of Ordinances is amended to denote the last paragraph thereof as:

(f) Insurance.

SECTION 5. That § **6-52(11), Small Brewer 's off-sale malt license**, of the City of Elk River Code of Ordinances is amended to read:

(11) **Small brewer's off-sale malt license.** May be granted to brewers, including Brewpubs and Microbrewers, licensed under Minnesota statutes.

(a) **Eligibility**

1. A **brewer** that produces 7,500 barrels or less of malt liquor annually may be issued a license for off-sale at its licensed premises of up to 128 ounces per customer per day of malt liquor that has been produced and packaged by the brewer in accordance with statutory provisions. The license must be approved by the State of Minnesota.

2. **Off sale may not exceed 750 barrels annually.**

3. Off-sale hours shall be limited to the hours of operation of the municipal dispensary (subsection **6-94(d)**). The off-sale growlers must be removed from the premises before the applicable closing time of the municipal dispensary, except that growlers may be sold at off-sale on Sundays between the hours of 8:00 a.m. and 10:00 p.m., excluding Christmas Day and after 8:00 p.m. on December 24.

4. **A brewer may only have one license under this subsection.**

5. **The City may not issue a license under this section to a brewer** if the brewer seeking the license, or any person having an economic interest in the brewer seeking the license or exercising control over the brewer seeking the license, is a brewer that brews more than 150,000 barrels of its own brands of malt liquor annually or a winery that produces more than 250,000 gallons of wine annually.

SECTION 6. That § **6-52(12)** , of the City of Elk River Code of Ordinances is stricken.

SECTION 7. That § 6-94, **Hours and days of sales** , of the City of Elk River Code of Ordinances is amended by adding new subdivision (f) as follows:

(f) Notwithstanding the restrictions on the days and hours for on-sale of intoxicating liquor or 3.2 percent malt liquor in the City of Elk River, the City may issue special permits for service of alcohol through extended hours when authorized by state statute to do so. The permits may only authorize extended hours for the sale of alcoholic beverages as authorized by the state statute. Only holders of an existing on-sale intoxicating liquor license or a 3.2 percent malt liquor license are eligible for an extended hours permit. The fee for an extended hours permit shall be \$50, or as authorized by state statute.

SECTION 8. That this ordinance shall take effect upon adoption and be published as provided by law.

Passed and adopted by the City Council of the City of Elk River this 17th day of October, 2022.

John J. Dietz, Mayor

ATTEST:

Tina Allard, City Clerk

